

Cherokee National Capitol Building  
(Cherokee County Courthouse)  
101-129 S. Muskogee Avenue  
Court House Square  
Tahlequah  
Cherokee County  
Oklahoma

HABS No. OK-24

HAB 2  
OKLA  
H-TAH

PHOTOGRAPHS

HISTORICAL AND DESCRIPTIVE DATA

REDUCED COPIES OF MEASURED DRAWINGS

Historic American Buildings Survey  
National Park Service  
Department of the Interior  
Washington, D.C. 20243

CHEROKEE NATIONAL CAPITOL BUILDING  
(CHEROKEE COUNTY COURTHOUSE)

Location: 101-129 S. Muskogee Avenue, Court House Square,  
Tahlequah, Cherokee County, Oklahoma.

USGS Tahlequah Quadrangle, Universal Transverse  
Mercator Coordinates: 15/322220/3975850

Present Owner: County of Cherokee, Oklahoma.

Present Occupant: Court and Offices of Cherokee County.

Significance: The Cherokee National Capitol, completed and occupied by circa 1869, was constructed on the site which had served as the meeting place for the Cherokee Government since their arrival in Indian Territory in 1839. Built to replace its wooden predecessor (which had burned during the Civil War), it housed the Cherokee Supreme Court as well as the Cherokee legislature, which convened there for the longest unbroken period of time in its history. With statehood in 1907, the National Council lost its power as a lawmaker, and the building soon became the property of Cherokee County. It has served as the County Courthouse ever since. Its Italianate appearance reflects the apparent time lag of popular architectural styles from East to West.

PART I. HISTORICAL INFORMATION

## A. Physical History:

1. Date of erection: 1867 to 1869.
2. Architect: A C.W. Goodlander was paid \$31.30 for his plans and specifications of the building by the National Council.
3. Original and subsequent owners: From the time of their settlement in the new Cherokee Nation until the gradual dissolution of the Cherokee Government in preparation for statehood, and the consequent allotments in severalty of lands to citizens of the Cherokee Nation, all property was held by the tribe in common. Therefore, the land on which the Capitol was built was never recorded as saleable property in the way familiar today. It was not allotted at statehood, the Government and responsible citizens taking steps to transfer it to a use which would ensure its continued existence. At least one effort was made to secure the building for use as a museum and archive of

Cherokee documents, but this did not materialize. The following is the only record of transfer for the structure; reference is to the Office of the Clerk of Cherokee County, Cherokee County Courthouse, Tahlequah, Oklahoma:

Block 75, entire, Town of Tahlequah  
Patent Conveying Tribal Property

to

John W. Sutton, et al, County Commissioners of Cherokee County  
Oklahoma

Date of Deed: 27 May 1913

Date of Record: 2 July 1913

Recorded in Book 2, page 354

4. Builder, contractor, suppliers: The report of the Building Committee made to the National Council upon the completion of the Capitol, dated November 18, 1870, provides the following information: contractors for the building, their functions and the amount paid to them was as follows:

to Edwards & Harris, for advertising	12.50
to Cox and Fletcher, stone work	1,929.00
to Cranwell, brick work	4,848.00
to Buck, plastering	1,831.00
to Price, carpentry	8,348.00

5. Original plans and construction: In 1867 Archibald Scaper, Speaker pro tem of the Council, announced via Act of Council that a Capitol would be built, appropriating \$5,000 for its construction. He also announced the appointment of a building committee of three who will govern the various aspects of securing the building. Before the structure was completed, the appropriation would increase to \$17,000. The building was required to house the National Senate and Council, the Executive Department, Supreme Court and the Superintendent of Schools.

When the buildings construction was completed circa 1869, the legislative chambers were said to be austere in design and sparse in furnishings, which sharply contrasted with the more ornate pretensions of the exterior.

6. Alterations and additions: The known exterior work prior to the 1904 fire is limited to routine repairs. Specifications were advertised in 1881 for roof repairs, and a Mr. Edwin Wren was awarded the contract on February 26. Specifications for this work dated 28 December 1880 include "sheathing", "valleys",

"gutters", "cornice", "chimneys", "flashing", "plastering", "chairboards" to be added to the Senate and Council Chambers, "cupalo" and "painting". The chimneys had been badly washed and needed to be relaid with better mortar. All other work appears to have been routine. The cost is not known, but the bid of James Coleman had been for \$770. Minor repairs and maintainance were the responsibility of the High Sheriff, who made periodic reports of expenditures, which include glazing and carpentry (apparently to the fences and outbuildings).

The Italianate-style cupola which stood on the center of the roof was built circa 1880. It was originally painted a dark color with white accents. It was one-story high, and measured approximately 10' wide, with double round-arch, six-over-six windows on each side. It was roofed with four pedimented gables with intersecting ridges at the center. The area from the sills to the roof was clapboarded. There was a small flagstaff at the center of the roof. There is no known date of removal of the cupola.

In 1886 the first known interior alterations were made by J.C. Marsh. These were primarily office additions designed to facilitate their uses, putting up shelving and cutting doors. Three rooms on the south side of the second floor were given new doors, making the Chief's office accessible to the Board of Education and the Auditor. An Act of Council of December 1885 had given these three rooms over to "Executive" uses, and these modifications were presumably to accomodate these uses. The specifications note that the shelving was to be stained walnut and the doors painted white.

Sometime prior to 1900 some alterations changed the building's exterior appearance. The cornice was given a dark color with white accents, which matched that of the cupola. Several dormers were added to the roof, locating on the south side. They were probably used as jury rooms for several years. They were later removed.

On January 4, 1904 the building suffered a disastrous fire which gutted the interior. Everything was lost, except some records which were placed in the "fireproof vaults" (Daily Oklahoman). The building was insured at that time for \$25,000. It had already been occupied by various courts and offices of Cherokee County, and had probably undergone some interior alterations (e.g. windows bricked-up).

The old large chimneys were removed. Information provided by the Sanborn maps is that the building was still heated by stoves in 1909 and had been converted to steam by 1929.

Another fire in 1928 damaged the building's interior. As a result the building was made "fireproof", e.g. the frame structure of the roof was replaced with steel.

A few physical changes has been done to the rear elevation. A concrete deck has been added for the entrance. The deck is likely a replacement, since the site slopes toward the rear, and the entrance certainly requires some kind of elevated access.

The front entrance has been enlarged with a projecting foyer of brick, the details of which are consistent with the rest of the building. The front door was originally on this facade, a simple opening with transom lights and a pediment overhead. This latter may have originally been flat. It was later changed to a simple projecting pediment, and finally to a broken pediment.

- B. Historical Context: The site is central to Cherokee history. As a sovereign nation under the ostensible protection of the United States, the tribe arrived in the Tahlequah vicinity in 1839, after a disastrous and costly mass exodus from their eastern homes, under the supervision of the United States Army. A portion of the tribe had already removed voluntarily to western Arkansas in the 1820's, along with the easterners. They were known as the so-called "Old Settlers". The Cherokee Nation in Indian Territory was, however, the only permanent national homeland that the Cherokee had known since before white settlement in the east. It was the influx of Europeans to their area at the junction of Alabama, Georgian Tennessee and North Carolina that ultimately caused the 1839 removal.

The new Cherokee Nation was completely closed to settlement by other nationalities, except for an occasional dependent tribe, or in cases of intermarriage with Cherokees. The intermarriage was a social phenomenon, since many Cherokees held surnames of Scotch-Irish or French origin. When sensitive issues of the Cherokee Nation received hostile reaction from the United States, these naturalized citizens almost always sided with other Cherokees.

When Tahlequah became the chosen site for the Cherokee Council ground in 1839, it became heir to a line of Cherokee Capitols beginning in the primitive tribal past, and becoming increasingly anglicized and "civilized": Tellico, Echota and New Echota. It was furthermore the only Capitol of the Cherokee under the final form of their national constitution, which was adopted on the site in 1839. The first gatherings were held in the open outdoors. Soon thereafter an open log shelter was built for their use of the council, and cabins erected nearby for various purposes of the government, including the lodging of legislators while council was in session. The open shelter was later replaced by a log building, which housed two divisions of the Council. Other structures were also erected to

house the courts, prison and other functions. The council grounds became the center of the Capitol City, and with the addition of permanent brick buildings and permanent establishment of streets and blocks, became a Capitol complex of modest scale. Governmental functions continued there until the Civil War.

When the Civil War broke out, the Cherokee Nation officially declared its allegiance to the Confederate States of America. But the loyalties of the population remained divided, and every effort was made by the government leaders to keep the Nation aloof from the conflict. The conflict arose from a sympathy for the south which was the birthplace of their nation, and to the culture, of which many Cherokees still felt themselves a part, as opposed to a desire to stay away from those who had inflicted their 1839 exile. The Civil War in the Cherokee Nation was truly one of brother against brother, neither the South nor the Union having the resources or opportunity to spare much attention for their frontier. Troops in the area normally meant Indian troops. As a result of this conflict the buildings were destroyed in a fire, with the exception of the brick Supreme Court Building.

The following quotation describes problems of Cherokee unity and the controversial leadership of Cherokee Chief John Ross during the Civil War:

"Principle Chief John Ross...able leadership, often autocratic and rarely passive, spanned nearly fifty years by the time of his death on August 1, 1866. During this period the Cherokee endured a series of bitter factional quarrels. The Civil War created a situation wherein these quarrels again erupted in bloodshed. During the Civil War Ross appeared to be an opportunist, for first he sought neutrality, then he sided with the South, and finally with the North. To understand these apparent contradictions, it is necessary only to recall the consequences presented Chief Ross if he failed to act wisely. The threat of tribal dismemberment in the face of differing sympathies made political and social cohesion his first concern. Ross apparently compromised when it was expedient, but in truth he disregarded his personal preferences to work for tribal unity.

Upon his demise a short-lived coalition emerged. The deep divisions created by years of factional quarrels could not easily be put aside, thus new dissensions were built upon familiar themes. The difficult task of reconciliation that Ross achieved during the antebellum years was shattered by civil conflict. Unfortunately, even Ross' death did not create a climate for lasting unity." (Moulton, Gary E. "Chief John Ross During the Civil War". Civil War History (December 1973), published by the Kent State University, Vol. XIX, no. IV, pp. 332-333).

After the war, the government attempted a return to normal functioning, and one of the first acts of the National Council was to provide for the erection of a building in which to house itself. Construction was started in 1867, and completed in 1869. The Supreme Court moved out of its old building, which was in turn occupied by the National Press and the Tahlequah District Court, and into new chambers in the new building. Care and upkeep of the structure was entrusted to the High Sheriff of the Nation. The grounds to the south (as far as the creek) were set aside as permanent council grounds and was used as a meeting place for public discussions of matters. The westernmost corner of the square was the favored site for the erection of speaking platforms and inaugurations. An old post-oak stood at the edge of the square to the north and was a familiar meeting spot, and the site of corporal punishment. The square was fenced by various means, including a wide-board fence which carried advertising.

The National Council and other branches of government used the building continuously until statehood in 1907, when the Cherokee ceased to be the virtually sovereign nation. The final treaties with the United States were ratified there, and the last of the Principal Chiefs to serve under the Cherokee Constitution took the oath of office there.

With statehood its function remained governmental, as the seat of Cherokee County, Oklahoma. It continues in this capacity to date.

## PART II. ARCHITECTURAL INFORMATION

### A. General Statement:

1. Architectural character: The Cherokee National Capitol Building is a fairly well preserved, late example of the Italianate style, unusual in Oklahoma for its pretentious appearance.

2. Condition of fabric: Good.

B. Description of Exterior:

1. Over-all dimensions: The two-story, rectangular-shaped building measures 50'-11" x 68'-1". It is five bays wide and seven bays long.
2. Foundations: These are ashlar limestone, although a layer of cement has been added alongside the exterior. On the interior of a few basement walls concrete retaining walls have been poured for additional support.
3. Walls: The walls are of red brick, laid in common bond (eight courses of stretchers to a single course of headers), with wooden trim, painted white. The plane of all four of the walls is broken into a Palladian scheme: each elevation is composed of a projecting center block topped by a pediment, with two secondary wall surfaces, one each on either side. The walls are further varied by a paneling of brick pilasters (a single brick thick) which frame the bays.

The building also has a watertable. It, like the sills, is of limestone, with a chiseled margin and bush-hammered centers. It also has a chamfered top edge.

4. Structural system, framing: Brick bearing walls and interior columns (probably steel) carry the loads of the floor joists, together with the staircase and vault enclosures of 4-inch concrete masonry units. A new roof tops the building, framed very solidly around a structure of steel I-beams. Steel channel rafters support an 8-inch wide tongue-and-groove plank roof-deck, and a system of smaller channels provides the anchorage for the expanded metal screen lath of the second-floor ceiling. Reinforced concrete slabs, approximately 5 inches thick, cover the concrete masonry unit walls of the stairwell and the vault rooms, enclosing them completely so as to make them fireproof.
5. Porches, stoops, bulkheads: An enclosed front porch of brick, in common bond, has been added to the center bay of the first floor, and provides a vestibule-entrance. It is a single story in height, and a single bay in depth and width. It has a gable roof, with a pediment and denticulated cornice similar to that of the original just above. There is a rear concrete platform in front of the center block of the rear facade, 27 feet wide and 13 feet on its side, and approximately 2 feet high. It is served by two sets of concrete steps in front, and has 2-inch metal pipe railing around its edge. To the right of the platform is a



poured concrete slab, 15 feet wide and 12 feet on its side, with a chain-link fence topped with barbed wire around it, protecting three air conditioning fan units. To the left of the rear facade, next to the south exterior wall are two concrete window wells for the basement windows, and a pair of concrete brackets, which formerly held oil storage drums.

6. Chimneys: Only one chimney is present; this has been added to the rear facade, a square unadorned brick tube, rising along the left of the center block. It rises to about half the height of the roof. Formerly there were several chimneys on the roofs. These have been disassembled and their flues have been bricked-over in the attic.

7. Openings:

- a. Doorways and doors: In the front entrance, there are double doors, each with a large (17½ inches wide X 5 feet tall) single pane of glass, in its center, and a four-light transom above, all painted black, in contrast to the white building trim. The rear doors are identical, although the transom is different: a large single pane has been inserted across the entire width of the door frame. The basement door is at the bottom of a flight of concrete steps adjacent to the rear platform; it is a wooden five horizontal panel piece framed in a simple wooden frame.
- b. Windows and shutters: The first floor windows are segmentally arched, projecting brick headers painted white. The second floor windows have semi-circular arches of projecting headers, also painted white. The sills are of cut shaly limestone, locally quarried, with chiseled margins and bush-hammered centers.

The frames and windows are of wood; the present double-hung, single pane sash are replacements for the original six-over-six light sash which may be seen in old photos. There are several exceptions to window arrangements noted previously. In the center bay of the center block of the front and rear facades, on the second floor, instead of the usual single window per single bay, there are two narrower roundheaded windows coupled together. On the first floor of the north wall, the window opening has been enlarged, with a double-hung window of three-over-three lights. Two windows on the north wall (first and second floors, third bay from the right) and one on the south wall (first floor, third bay from the left) have been bricked-up, to completely secure the vault rooms within. In addition, two windows on the rear facade, on the first floor either side of the rear door

have been blocked with plywood inserts, to mount the fans for the rest rooms. There are no shutters remaining on the building, nor are there any in storage.

8. Roof:

- a. Shape, covering: A hipped roof with its ridge perpendicular to the principal facade covers the building and is intersected by four gables, one from the central pediment of each elevation. Several layers of asphalt shingles cover the roof.
- b. Cornice: The simple boxed cornice has a denticulated frieze, supported by paired brackets over the brick pilasters below. The entire entablature is of wood, painted white. The trough gutters are behind the cornice, and downspouts are at the corners, and are also painted white.
- c. Dormers, cupola: There are none remaining. Previously the courthouse was topped by its square, frame cupola, which was later removed for installation of the present roof. See Alterations and additions in the Historical Information section for more information about dormers and cupola.

C. Description of Interior:

1. Floor plans:

- a. Basement: Entrance to the basement is gained through a stair on the southwest corner of building. To the right of the entrance is the sump room. The boiler room is at west end. A door on the north wall of this room leads to a storage room. Another door on the same wall leads to a vault.
- b. First floor: The front entrance to the first floor is in the center bay of the west facade, in the brick vestibule. The inside of this vestibule opens into an axial hallway on either side of which are offices. The Sheriff's Office, his radio room and vault are immediately to the left, in the northwestern corner of the building, and the Tax Assessor's Office is to the right, in the southwestern corner. A stairway, midway down the hall on the right (south) leads to the second floor. Larger office areas, only partially enclosed by counters and wire screen, occupy the rear of the building. These are the County Treasurer's Office, whose vault is under the stairs, on the right, and the County Clerk's Offices, whose vault is back to back with that of the Sheriff's, on the left.

At the end of the hall a ladies' room and a broom closet are on the left and the men's room is on the right, as one is about to exit through the rear doors.

- c. Second floor: At the head of the staircase is a large central waiting hall surrounded by offices. In the southwestern corner of the building are the Offices of the District Attorney and his secretary; the next door to the right is a restroom for both sexes. In the office due west is the Traffic Violation Clerk, and in the northwestern corner is the entrance to the County Clerk's Office and vault room. In an office along the center of the north wall may be found the Court Youth Counselor and the Court Recorder while across the hall is the Office of the Associate District Judge. Both of these last named rooms are adjacent to the recently remodeled courtroom which occupies the entire southern third of the second floor of the building and is entered by a set of double doors due east of the central waiting hall.
2. Stairways: The staircase on the southwest corner of the building leads to the second floor. It is a two-flight, (two run with half-landing) closed-well arrangement. It has a high, solid half wall serving as its unsurmounted balustrade, with handrails along the walls; both the treads and risers are linoleum-covered to match the floor, and the tread edge has an extruded aluminum edge.
3. Flooring: The sub-flooring is probably all concrete, as none of the original wood floor was found. Brown vinyl asbestos flooring is used on both the first and second floors, except in the vault rooms where the concrete has been left exposed, and in the courtroom, the district Attorney's Office and the Associate District Judge's Office, where the linoleum has been covered with carpeting.
4. Wall and ceiling finish: Painted plaster on the exterior walls and painted plaster on expanded metal screen lath on the interior walls and ceiling provides the predominant interior finish. The colors used on the first floor: tan base with light green upper walls and ceiling, except in the Sheriff's Office, which is entirely tan.

The color upstairs is tan throughout, with the exception of the courtroom and the district Attorney's Office, which are panelled in imitation-wood wallboard, and have suspended acoustical tile ceilings. The walls of the basement are of stone, brick and concrete, all painted white; the ceiling of reinforced concrete on small open web joists is also painted white.

5. Doorways and doors: The interior doorways each have a molded architrave trim framing door of three panels beneath a square pane of frosted glass. A large single-sash transom of clear glass is overhead, hinged at the top. Restroom and closet doors are similarly framed, but have five-panel doors; the cellar door is similar, but is in a simple frame. The twin courtroom doors have recently been replaced; they are now of aluminum, with full-length frosted glass. The vault doors are all identical: they are of plate steel, a large combination lock on the outer door with a bolt latch, and a smaller pair of steel cabinet doors behind. All are painted black.

6. Mechanical equipment:

- a. Heating, air conditioning: A gas fired boiler in the basement provides steam heat to radiators throughout the building, although many of these have been removed to conserve space. Electric space heaters are substituted when necessary.

In the hallways of both the first and second floors electrically powered air conditioning units have been installed. Their exposed rectangular sheet metal ductwork is hung from the ceiling. In addition, electrically powered ceiling fans in the Sheriff's Office aid air circulation.

- b. Lighting: Twin fluorescent tube fixtures are used throughout the building to provide the predominant artificial lighting; incandescent bulbs are used in the vault rooms, rest rooms, closets and in the basement.
- c. Plumbing: The two flush-tank commodes in each of the three rest rooms, the trough urinal in the downstairs men's room, and the sink in the broom closet all are early 20th century fixtures.

D. Site:

1. General setting and orientation: The building faces west-northwest. It stands alone in the center of a flat city block, surrounded by trees, and it is somewhat removed from the main business thoroughfare, Muskogee Avenue. The building is approached by automobile from the rear, where a wide asphalt horseshoe drive extends from the northeast to the southeast corners of the lot. Concrete sidewalks along the sides of the building and leading from the front corners of the lot and from the front, in the center of the lot, all converge on the front entrance of the building. A small octagonal bandstand, of frame

construction, on a concrete base, and a few stone memorials, commemorating the first telephone, the Statue of Liberty and the Confederate dead, are also on the lawn in front of the courthouse.

2. Historic landscape design: Old trees of various species beautify the complex. They were planted in late 19th and early 20th centuries.

### PART III. SOURCES OF INFORMATION

#### A. Early Views:

Photographs in the collection of the Oklahoma Historical Society: exterior, showing dormers, dated 1924, catalogue no. 123-3039.

Pictorial Press, Tahlequah, clipping in the possession of Mrs. Smith Witcher of Tahlequah, n.d., interior of Treasurer (Cherokee County) office. Credit given, Mrs. Corn of Tahlequah.

Gilcrease Institute of Western Art, Tulsa, Oklahoma, four exterior photographs, undated.

Cherokee National Historical Society: two exterior photographs, undated.

Illustration in Indian Territory "Cherokee Council House", exterior, p. 172, showing cupola and cornice painted with two colors.

#### B. Interview:

Mr. H.M. Vance, July 1975. Mr. Vance was the County Treasurer of Cherokee County at the time of the fire.

#### C. Bibliography:

##### 1. Primary and unpublished sources:

Oklahoma City, Oklahoma. Oklahoma Historical Society. Collection of Indian Archives, Volumes 252, 253, 284 and 288. Manuscript records of the Proceedings of the Cherokee National Council.

Oklahoma City, Oklahoma. Oklahoma Historical Society. Collection of Indian Archives. Records of Cherokee Nation.

Report of the Building Committee of the Cherokee National Capitol, November 18, 1870.

Expenses for the Capitol, 1879

Expenses for the Capitol, 1880

Bid for repairs to the roof of the Capitol by James Coleman, February 1, 1881

Specifications for repair work on the Capitol, December 28, 1881

Specifications for repair work on the Capitol, October 8, 1886

Letter, D.G. Atkins, Department of the Interior to R. Bunch, Assistant Principal Chief, March 23, 1886

Letter, C. Cranwell to W. Boudinot, October 8, 1883

Letter, Building Committee for the Capitol, W.L. Muller, J.W. Staples, J.S. Price to Lewis Downing, Principal Chief, December 2, 1868

Letter, Caroline E. Burns to Secretary of the Interior, July 1, 1904.

Tulsa, Oklahoma. Foreman Collection of the Gilcrease Institute, "History of Tahlequah" [by Carolyn Thomas Foreman].

2. Secondary and published sources:

Ballenger, T.L. Around Tahlequah Council Fires. Muskogee, Oklahoma: Motter Bookbinding Company.

Laws of the Cherokee Nation. 1885 edition.

Daily Oklahoman. Newspaper articles. "Durability was Aim", October 15, 1922; "Old Cherokee Capitol at Tahlequah Burns", January 5, 1928; "Cherokee Capitol was strongly built", date unknown.

Blackwell Morning Tribune, Blackwell, Oklahoma. Newspaper article, "Fire in Cherokee Courthouse." January 5, 1928.

Ruth, Kent, et al. A Guide to the Sooner State. 1957 revision to WPA Writer's Project Oklahoma Guide.

PART IV. PROJECT INFORMATION

The project was undertaken by the Historic American Buildings Survey (HABS) in cooperation with the Oklahoma Historical Society and the Cherokee National Historical Society. Under the direction of John Poppeliers, Chief of HABS,

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the project was completed during the summer of 1975, at the HABS Field Office on the campus of Northeastern Oklahoma State University, Tahlequah, Oklahoma, by Michael A. Tomlan (Cornell University), Project Supervisor; John D. Hnedak (Cornell University), Project Historian; Bethanie C. Grashof (University of Florida), Vicki J. Higgins (University of Cincinnati), Nicholas H. Holmes III (Auburn University) and Roger D. Swayze (University of Oregon), student assistant architects. The written descriptive data was edited for permanent HABS collection at the Library of Congress by Susan McCown, a HABS staff historian in the Washington, D.C. office, in the winter of 1981. Walter Smalling, Jr. of Heritage Conservation and Recreation Service, U.S. Department of the Interior took the documentary photos of the building in October of 1979.